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16 **UNITED STATES DISTRICT COURT**
17 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

18	JOON PARK, an individual,)	
19)	
20	Plaintiff,)	Civil No.: 08 CV 0668 DMS (NLS)
21)	
22	v.)	
23)	REPLY TO COUNTERCLAIM
24	CMT USA, INC., a,)	
25	North Carolina corporation,)	
26)	
27	Defendant.)	Jury Trial Demanded

28 Plaintiff, Joon Park ("Park"), by his attorneys, answers the averments made in the
numbered paragraphs of the Counterclaim filed by Defendant, CMT USA, Inc. ("CMT"),
as follows:

THE PARTIES

18. Admitted.

19. Admitted.

JURISDICTION AND VENUE

20. Park admits that the Counterclaim arises under the patent laws of the
United States, 35 U.S.C. § 1, et seq., and the Declaratory Judgment Act, 28 U.S.C. §§

1 2201 and 2202. Park admits that CMT seeks declaratory relief but denies that U.S. Patent
2 No. 6,637,988 (the '988 patent) is not infringed and is invalid. Park also admits that CMT
3 seeks declaratory relief but denies that U.S. Patent No. 7,134,814 (the '814 patent) is not
4 infringed and is invalid.

5 21. Admitted.

6 22. Admitted.

7 **FIRST COUNT**

8 **(Declaration of Noninfringement of the '988 Patent)**

9 23. Park repeats and realleges Paragraphs 18 - 22 of its Reply.

10 24. Admitted.

11 25. Admitted.

12 26. Denied.

13 27. Denied.

14 **SECOND COUNT**

15 **(Declaration of Invalidity of the '988 Patent)**

16 28. Park repeats and realleges Paragraphs 18 - 22 of its Reply.

17 29. Admitted.

18 30. Denied.

19 31. Denied.

20 **THIRD COUNT**

21 **(Declaration of Noninfringement of the '814 Patent)**

22 32. Park repeats and realleges Paragraphs 18 - 22 of its Reply.

23 33. Admitted.

24 34. Admitted.

25 35. Denied.

26 36. Denied.

27 **FOURTH COUNT**

28 **(Declaration for Invalidity of the '814 Patent)**

1 37. Park repeats and realleges Paragraphs 18 - 22 of its Reply.

2 38. Admitted.

3 39. Denied.

4 40. Denied.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Park respectfully requests that this Court enter judgement in favor
7 of Park and against CMT as follows:

8 (a) Dismissing the Counterclaim with prejudice and denying each request for
9 relief made by CMT in the Counterclaim;

10 (b) Declaring that CMT has infringed, contributed to the infringement of, or
11 induced the infringement of at least one valid and enforceable claim of the '988 patent;

12 (c) Declaring that CMT has infringed, contributed to the infringement of, or
13 induced the infringement of at least one valid and enforceable claim of the '814 patent;

14 (d) Declaring that each claim of the '988 patent is not invalid;

15 (e) Declaring that each claim of the '814 patent is not invalid;

16 (f) Adjudging that the CMT Counterclaim is an exceptional case under 35
17 U.S.C. § 285 and awarding Park its attorneys' fees in connection with defending against
18 this Counterclaim;

19 (g) Awarding Park its costs and expenses incurred in the defense of this
20 Counterclaim; and

21 (h) Awarding Park such other and further relief as the Court deems just and
22 proper.

23 Dated this 6th day of June 2008.

24 Respectfully submitted,

25 THE ADAMS LAW FIRM

26
27
28 By s: Paul Adams
Paul Adams, (Bar No. 42,146)

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Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 6, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to:

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s: Paul Adams
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